

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

OBRIANT WEBB,)	
ID # 32752-177,)	
Movant,)	No. 3:16-CV-3057-D
vs.)	No. 3:04-CR-334-D (3)
)	
UNITED STATES OF AMERICA,)	
Respondent.)	

ORDER


After reviewing all relevant matters of record in this case, including the findings, conclusions, and recommendation of the United States Magistrate Judge, in accordance with 28 U.S.C. § 636(b)(1), the court is of the opinion that the findings and conclusions of the magistrate judge are correct and they are adopted as the findings and conclusions of the court. For the reasons stated in the findings, conclusions, and recommendation of the United States Magistrate Judge, the motion to vacate is transferred to the United States Court of Appeals for the Fifth Circuit pursuant to *United States v. Fulton*, 780 F.3d 683 (5th Cir. 2015).

In accordance with Fed. R. App. P. 22(b) and 28 U.S.C. § 2253(c) and after considering the record in this case and the recommendation of the magistrate judge, the court denies the movant a certificate of appealability. The court adopts and incorporates by reference the magistrate judge's findings, conclusions and recommendation filed in this case in support of its finding that no certificate of appealability is required to appeal an order that transfers a motion to vacate to the United States Court of Appeals for the Fifth Circuit pursuant to *Fulton*, 780 F.3d at 686.

If movant files a notice of appeal, he must pay the \$505.00 appellate filing fee or submit a motion to proceed *in forma pauperis* that is accompanied by a properly signed certificate of inmate trust account.

SO ORDERED.

May 1, 2018.


SIDNEY A. FITZWATER
UNITED STATES DISTRICT JUDGE